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Environment and sustainable development: Convention on Biological Diversity

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Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly, pursuant to its request in resolution 53/190 of 15 December 1998, the attached report of the Executive Secretary of the Convention on Biological Diversity.

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Annex

Convention on Biological Diversity

Report of the Executive Secretary

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I. Introduction

1. In paragraph 15 of its resolution 53/190 of 15 December 1998 the General Assembly invited the Executive Secretary of the Convention on Biological Diversity[1] to report to it on the ongoing work regarding the Convention.

2. Since the fifty-third session of the General Assembly, the work of the Convention has focused on implementing the decisions of the fourth meeting of the Conference of the Parties to the Convention. Key activities that have been undertaken include: the first extraordinary meeting of the Conference of the Parties to adopt a protocol on biosafety; the fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice; and the inter-sessional meeting on the operations of the Convention.

3. Key forthcoming activities include: the Panel of Experts on Access and Benefit Sharing to be held from 4 to 8 October 1999 in San José, Costa Rica; the resumed session of the first extraordinary meeting of the Conference of the Parties to be held in Montreal, Canada, from 24 to 28 January 2000; the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to be held in Montreal, Canada, from 31 January to 4 February 2000; the meeting of the Ad Hoc Working Group on Article 8 (j) to be held in February/March 2000 in Seville, Spain; and the fifth meeting of the Conference of the Parties to be held in Nairobi, Kenya, from 14 to 26 May 2000.

4. As of 30 September 1999, there are 175 Parties to the Convention.

II. First extraordinary meeting of the Conference of the Parties to the Convention on Biological Diversity and the negotiations for a protocol on biosafety

5. Article 19, paragraph 3, of the Convention requires Parties to consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organisms resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

6. By its decision II/5 (A/51/312, annex II, decision II/5), the Conference of the Parties established the Open-ended Ad Hoc Working Group on Biosafety to negotiate a protocol to address the concerns of Parties on those matters. The Working Group met six times and reported the results of its work to the first extraordinary meeting of the Conference of the Parties on 22 February 1999.

7. The Working Group provisionally adopted the following articles: 16, on competent national authorities and national focal points; 19, on capacity-building; 26, on financial mechanism and resources; 27, on the Conference of the Parties serving as the meeting of the Parties; 28, on subsidiary bodies and mechanisms; 29, on the secretariat; 30, on the relationship with the Convention; 32, on monitoring and reporting; 33, on compliance; 34, on assessment and review; 35, on signature; 36, on entry into force; 38, on withdrawal; and 39, on authentic texts. In addition, the Working Group also adopted provisionally, under article 3, on the use of terms, the definitions of the terms "exporter", "importer", "living modified organism", "living organism", "modern biotechnology", and "regional economic integration organization". It also provisionally adopted annex I on information required in notifications and annex II on risk assessment.

8. The Conference of the Parties used the package as the basis for further discussion and negotiation. The Conference of the Parties was not able to reach consensus on the draft text submitted by the Chair of the Working Group. The issues that remain before the Conference of the Parties are the following articles: 4, on scope; 5, on application of the advanced informed agreement procedure; 6, on notification; 15, on handling, transport, packaging and identification; 21, on non-Parties; 22, on non-discrimination; 23, on illegal transboundary movements; 24, on socio-economic considerations; and 31, on relationship with other international agreements. It was agreed that the essential core issues were the following articles: 4, on scope; 5, on application of the advanced informed agreement procedure; and 31, on relationship with other international agreements.

9. The Conference of the Parties therefore decided to suspend its first extraordinary meeting. The Conference of the Parties agreed that the meeting should be reconvened as soon as possible and in any event no later than the fifth meeting of the Conference of the Parties. Informal consultations among Parties and Governments were held in Montreal in July and in Vienna in September. The President of the extraordinary meeting of the Conference of the Parties and the Bureau of the Conference of the Parties have decided to convene a resumed session of the first extraordinary meeting of the Conference of the Parties from 24 to 28 January 2000. This resumed session will be preceded by further informal consultations which will commence on 20 January 2000.

10. It is hoped that the Conference of the Parties, at the resumed session of its first extraordinary meeting, will adopt a protocol on biosafety to the Convention and take a decision on interim arrangement pending the entry into force of the protocol. The Bureau of the Conference of the Parties presented a draft decision on interim arrangements to Parties. That draft proposed the establishment of an intergovernmental committee for the protocol and called for the development of a programme of work for the committee. In light of the importance and urgency of the responsibilities of this committee, it is proposed that the committee meet between meetings of the Conference of the Parties.

III. Fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

11. The fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice adopted the following recommendations.

Recommendation	*Subject matter*
IV/1	Programme of work
IV/2	Further development of a Global Taxonomy Initiative
IV/3	Assessment of the status and trends and options for the conservation and sustainable use of terrestrial biological diversity: dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems
IV/4	Development of guiding principles for the prevention of impacts of alien species and identifying priority areas of work on isolated ecosystems and giving further recommendations to the Global Invasive Species Programme

IV/5	Consequences of the new technology for the control of plant genetic expression for the conservation and sustainable use of biological diversity
IV/6	Incorporation of biological diversity concerns into environmental impact assessment
IV/7	Development of approaches and practices for the sustainable use of biological resources, including tourism

12. The report of the meeting is contained in document UNEP/CBD/SBSTTA/4/14.

13. In recommendation IV/1 on the programme of work, the Subsidiary Body on Scientific, Technical and Technological Advice made a number of important suggestions with respect to increasing the role of science in the decision-making process of the Convention. At its fourth meeting, the Conference of the Parties had identified using and generating scientific assessments generally as a critical need for the process as a whole. Accordingly, in recommendation IV/1, the Executive Secretary was requested to prepare for the fifth meeting of the Conference of the Parties a detailed proposal that would seek to address the issues of peer review and scientific assessments for the Convention, drawing on the experience of the United Nations Framework Convention on Climate Change (A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I) and the Montreal Protocol on Substances that Deplete the Ozone Layer. In recommendation IV/1, the Subsidiary Body also recommended to the Conference of the Parties a longer-term programme of work and that a strategic plan be developed to guide the implementation of the programme. Such a plan would also facilitate cooperation and coordination with other relevant processes.

14. In recommendation IV/5, the Subsidiary Body on Scientific, Technical and Technological Advice concluded that more work needed to be undertaken in order to adequately understand the impact that new technologies might have on the conservation and sustainable use of biological diversity. To this end, it recommended that the Convention as well as relevant organizations, such as the Food and Agriculture Organization of the United Nations (FAO), should continue its work on this topic. The Subsidiary Body also advised the Conference of the Parties that, in the current absence of reliable data on genetic use restriction technologies without which there was an inadequate basis on which to assess their potential risks, and in accordance with the precautionary approach, products incorporating such technologies should not be approved by Parties for field testing until appropriate scientific data could justify such testing, not for commercial use until appropriate, authorized strictly controlled scientific assessments with regard to, *inter alia*, their ecological and socio-economic impacts and any adverse effects for biological diversity, food security and human health had been carried out in a transparent manner and the conditions for their safe and beneficial use validated.

15. In decision IV/1, the Conference of the Parties requested the Subsidiary Body on Scientific, Technical and Technological Advice to examine the Global Invasive Species Programme, to identify the priority work pertinent to the issue of alien species in isolated ecosystems and to develop guiding principles to address the issue of alien species, with a view to reporting thereon to the Conference of the Parties at its fifth meeting. The Conference of the Parties also decided that the issue of alien species would be one of the three major topics for the sixth meeting of the Conference of the Parties in 2002 (the full texts of these decisions are available at www.biodiv.org).

16. The Subsidiary Body on Scientific, Technical and Technological Advice at its fourth meeting, having considered decision IV/1 of the Conference of the Parties, adopted

recommendation IV/4 on alien species. In recommendation IV/4, the Subsidiary Body suggested to the Conference of the Parties that: an inventory of initiatives be developed; a roster of experts be established; a memorandum of cooperation between the Executive Secretary, the Global Invasive Species Programme and other relevant organizations be adopted; the Programme be invited to review existing measures and to report to the sixth meeting of the Subsidiary Body, with a view to developing a global strategy to deal with alien species; and the Programme and other organizations be invited to assist Parties in developing and implementing this strategy. Concerning the development of principles for the prevention, introduction and mitigation of the impacts of alien species, the Subsidiary Body requested the Executive Secretary in collaboration with the Programme and other relevant organizations to develop a proposal for the fifth meeting of the Subsidiary Body (February 2000).

17. Recommendation IV/7 contained detailed advice on the role of tourism in the sustainable use of biological resources and the potential impacts on biological diversity of tourism. In this recommendation, the Subsidiary Body on Scientific, Technical and Technological Advice advised the Conference of the Parties to adopt its assessment of the interlinkages between tourism and sustainable development and convey this assessment to the Commission on Sustainable Development, as well as to Parties and Governments. It also recommended that the Conference of the Parties accept the invitation to participate in the work of the Commission. In particular, it recommended that the Conference of the Parties contribute to the development of international guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas, including fragile mountain ecosystems. The Conference of the Parties at its next meeting, in May 2000, will consider this recommendation.

IV. Inter-sessional meeting on the operations of the Convention

18. This meeting adopted recommendations on:

1. Review of the operations of the Convention and the programme of work;

2. Panel of Experts on Access and Benefit-sharing;

3. Relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention;

4. *Ex situ* collections that had been acquired prior to the entry into force of the Convention and were not addressed by the FAO Commission on Genetic Resources for Food and Agriculture.

19. Recommendation 1 contained elements of a decision on how meetings of the Conference of the Parties could operate more effectively, a strategic plan for the Convention and improvements in the operation of the Subsidiary Body on Scientific, Technical and Technological Advice. It also proposed a number of options with regard to periodicity of meetings of the Conference of the Parties (annual or biannual) and further mechanisms for inter-sessional activities.

20. Recommendation 2 elaborated the terms of reference for the Panel of Experts on Access and Benefit-sharing. It advised the Panel to consider four issues, namely: (a) access and benefit-sharing for scientific and commercial purposes; (b) review of legislative,

administrative and policy measures at national and regional levels; (c) review of regulatory procedures and incentive measures; and (d) capacity-building.

21. In recommendation 3, on intellectual property rights, the Meeting advised the Conference of the Parties to continue gathering relevant information, to closely monitor developments in other forums, in particular the World Trade Organization and the World Intellectual Property Organization (WIPO), through the secretariat, and to reaffirm the importance of *sui generis* systems to the aims of the Convention.

22. The secretariat has prepared several submissions to the Committee on Trade and Environment of the World Trade Organization. The first described the relevant decisions of the fourth meeting of the Conference of the Parties (see WT/CTE/W/92). The second responds to a series of questions provided by the Chair of the Committee on Trade and Environment and was distributed at the July meeting of the Committee (see WT/CTE/W/143). The secretariat has also applied for observer status in the Council for Trade-Related Aspects of Intellectual Property Rights and the Committee on Agriculture. In response to a request from the Council for Trade-Related Aspects of Intellectual Property Rights, the secretariat provided factual information on activities of the Convention of relevance to the World Trade Organization for preliminary consideration in the review of article 27.3 (b) of the Convention this year. The Executive Secretary also participated in the World Trade Organization High-level Symposium on Trade and Environment, on 15 and 16 March 1999.

23. In recommendation 4, on *ex situ* collections, the inter-sessional meeting advised the Conference of the Parties to request the Executive Secretary to continue gathering information on *ex situ* collections. To this end, it provided guidance on the structure of a questionnaire regarding the number, types and status of relevant collections. Moreover, it recommended that the Conference of the Parties request relevant organizations and forums to provide the relevant information.

V. Fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

24. The provisional agenda for the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice has three main clusters of topics: thematic issues; cross-cutting issues; and mechanisms for implementation. Within these three categories, the Subsidiary Body will consider the following substantive items:

1. Programme of work for dryland, Mediterranean, arid, semi-arid, grassland and savannah biological diversity;

2. Agricultural biological diversity: assessment of ongoing activities and priorities for a programme of work;

3. Ecosystem approach: further conceptual elaboration;

4. Development of indicators of biological diversity;

5. Sustainable use of the components of biological diversity: identification of sectoral activities that could adopt biodiversity-friendly practices and technologies;

6. Ad hoc technical expert groups: terms of reference, and rosters of experts and a proposal on a uniform methodology for their use.

25. The meeting will also be considering the establishment of guidelines for the second national reports. As of 28 September 1999, the secretariat had received 111 first national reports. The financial mechanism has provided support for 120 developing country Parties and Parties with economies in transition for the development of their national biodiversity strategy and action plan.

26. The information contained in the national reports will provide the basis for the first Global Biodiversity Outlook. This publication will focus on the status and trends of global biodiversity and on the progress that is being made in its management. It will also consider the synergies between the Convention and other instruments and the outlook for the Convention and biodiversity. There will also be a section on the priority issues that Parties have identified in their reports.

27. A key issue, which emerges from the first national reports and those strategies and action plans that the secretariat has examined, is the importance of the protected area system for implementing the provisions of the Convention in each Party. Protected areas will be a focus of the seventh meeting of the Conference of the Parties (expected to be held in 2004). By way of preparation for this focus, the secretariat has begun to develop links with relevant organizations. In particular, the secretariat has begun working with the steering committee for the 2002 World Congress on Parks and Protected Areas.

VI. Fifth meeting of the Conference of the Parties to the Convention

28. The provisional agenda of the fifth meeting of the Conference of the Parties has three main topics. They are:

1. Consideration of options for conservation and sustainable use of biological diversity in dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems;

2. Sustainable use, including tourism;

3. Access to genetic resources.

29. The Conference of the Parties will undertake a strategic review of these three issues. Parties have indicated that the Conference of the Parties in undertaking such a review should endeavour to achieve three goals: review of accomplishments to date; adoption of decisions regarding the products of work completed to date; and establishment of a vision for future work. For the immediate future, the focus of the efforts for these issues will most likely be the review of accomplishments and the establishment of a vision, which should be initially focused on the establishment of measurable goals and targets and the development of global and national-level indicators.

30. The Conference of the Parties will also review progress with respect to implementation of its previous decisions. It will do this under the rubric of four categories of decisions within which most of the activities of the Convention can be organized. They are: thematically focused programmes, cross-cutting issues, mechanisms for implementation and the negotiations on biosafety.

31. The Conference of the Parties will also consider adopting a work plan on financial resources which will address the following issues: monitoring financial support for the implementation of the Convention; collaboration with international organizations; possibilities for additional financial support; and opportunities and constraints with respect to private sector support for implementation of the Convention. In this respect, the secretariat

has undertaken a number of activities to prepare for this issue. The secretariat has included in the suggestions for the guidelines on the second national reports the development of a standardized information format on financial resources. The secretariat also invited developed country Parties and funding institutions to submit their views on standardized information in the course of June and July 1999, and has been in contact with the United Nations Framework Convention on Climate Change with regard to their approaches to reporting requirements.

32. Efforts have been made to establish a database on financial resources in support of the implementation of the Convention. The secretariat conducted an analysis of information provided in the first reports from Parties. In order to support the development of this database, the secretariat has been working with the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD). A biodiversity marker system was developed for its reporting system in June 1999, and a pilot reporting process has been initiated. The secretariat has prepared a brief for the Secretariat in order to contribute to preparations for a high-level consultation on financing for development in 2001. The secretariat is currently monitoring the activities of the Ad Hoc Open-ended Working Group of the General Assembly on Financing for Development, and relevant activities of the Commission on Sustainable Development on financial issues in Agenda 21.[2]

33. The Conference of the Parties will also review the pilot phase of the clearing-house mechanism and consider its longer-term programme of work. It will do this on the basis of a recommendation to emanate from the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (February 2000). A central feature of the future development of the clearing-house mechanism will be efforts to promote the development of biodiversity information networks at the national, regional and international levels.

VII. Cooperation with other processes

34. The importance of cooperation with other processes has been consistently emphasized by the Conference of the Parties to the Convention on Biological Diversity. The issue is a standing item in the agenda of its meetings and the Conference of the Parties at each of its meetings has taken a decision reviewing relevant activities and identifying areas for further work. At its fourth meeting, the Conference of the Parties adopted decision IV/15 on the relationship of the Convention on Biological Diversity with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance. Some highlights of the concerned activities not addressed in previous sections are described below.

35. By this decision, the Conference of the Parties to the Convention on Biological Diversity endorsed a Joint Work Plan with the (Ramsar) Convention on Wetlands of International Importance, especially as Waterfowl Habitat, which provides a framework for a series of activities intended to promote implementation of both conventions. The fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice reviewed progress in the implementation of this Work Plan. The Subsidiary Body welcomed the results of the seventh meeting of the Conference of the Parties to the Ramsar Convention on Wetlands and accepted the invitation to designate the Chair of the Subsidiary Body as a permanent observer on the Scientific and Technical Review Panel of the Ramsar Convention on Wetlands. The Subsidiary Body also welcomed the forthcoming reviews of the Joint Work Plan by the Scientific and Technical Review Panel and the Standing Committee of

the Ramsar Convention on Wetlands and agreed to consider their proposals at its fifth meeting in January 2000.

36. At its next meeting, the Conference of the Parties to the Convention on Biological Diversity will consider adopting its fifth thematically focused programme of work on the biological diversity of dryland ecosystems. At its fourth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice assessed the status and trends of the biodiversity of dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems and considered options for their conservation and sustainable use. As a result, it advised the Conference of the Parties to adopt a programme of work for the biological diversity of this biome. The Subsidiary Body requested the Executive Secretary, in consultation with the secretariat of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (A/49/84/Add.2, annex, appendix II), to prepare for the fifth meeting of the Subsidiary Body a draft programme of work for the biome.

37. The secretariat has developed a Global Biodiversity Calendar of Events, which contains details of relevant meetings organized by other processes. The important purpose of the Calendar is not only to promote coordination and cooperation between the Convention and other processes but also to facilitate the contribution of other processes to the work of the Convention.

38. The secretariat supported and participated in a project on harmonizing the reporting requirements of biodiversity-related conventions (the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)), the Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention and the Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention). The World Conservation Monitoring Centre completed an initial feasibility study, the results of which were considered at a meeting in October 1998 for the secretariat Information Managers. Follow-up to the results of this initiative is expected to form the framework of the secretariat's activities in this area for the foreseeable future. The first steps in these joint efforts have included, *inter alia*, the establishment by the secretariat of an electronic listserv and a joint Internet Web page.

39. The secretariat has also continued its collaboration with the Inter-Agency Committee on Sustainable Development in order to assist with preparations for meetings of the Commission on Sustainable Development and other related matters covered by this Committee. For example, the secretariat provided inputs to the report of the Secretary-General on tourism and sustainable development and on oceans and seas through the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas.

40. The secretariat has also continued working with: the Intergovernmental Forum on Forests and its Inter-Agency Task Force on Forests (ITFF); OECD, in particular the Environmental Directorate and DAC; and the United Nations Environment Programme (UNEP) in its coordination of the meetings of convention secretariats.

41. The secretariat participated in meetings of the Conference of the Parties to the Ramsar Convention, and to the United Nations desertification and climate change conventions. As a result, the Conference of the Parties to the United Nations Framework Convention on Climate Change decided to consider issues related to forests, marine and coastal biodiversity and the clearing-house mechanism at appropriate meetings of its subsidiary bodies.

42. The secretariat has maintained regular contact with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Intergovernmental Oceanographic

Commission (IOC), and the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat as well as the UNEP Regional Seas Units, with a view to promoting the implementation of the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity (A/51/312, annex II, decision II/10).

Notes

See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum); resolution I, annex II.